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Via ECF

August 26, 2024

The Honorable Dale E. Ho
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Non-party AAA is **ORDERED** to respond to Sentinel's letter by **August 30, 2024 at 11:59 p.m. (E.T.)**. Sentinel is ordered to serve AAA at its last known address via Federal Express Overnight by **August 28, 2024, at 12:00 p.m. (E.T.)**, and to promptly file proof of service on ECF. SO ORDERED.

Dale E. Ho
United States District Judge
New York, New York
Dated: August 26, 2024

Re: Buzwin Donut Corp. v. Sentinel Ins. Co., Ltd., No. 1:24-cv-00737 (DEH)

Dear Judge Ho:

In accordance with Local Rule 37.2 and Rules 4(a) and 4(j) of Your Honor's Individual Rules and Practices in Civil Cases, Sentinel Insurance Company, Ltd. ("Sentinel") respectfully requests a pre-motion conference so that it can seek to compel non-party AAA Total Plumbing, Inc. ("AAA") to provide responses and documents to the subpoenas that were served on them several months ago. Ex. 1.

This is an insurance coverage dispute regarding whether a policy issued in favor of Plaintiff covers the "partial collapse of a party wall between 203 West 14th Street and 201 West 14 Street [] causing the city to issue a Full Vacate Order until repairs could be completed." Dkt. 1 ¶¶ 5-9.

Documents suggest that the cause of the event may be work that was performed on 201 West 14th St. Our understanding is that AAA did work on 201 West 14th St. that may be relevant to the cause of the alleged collapse. Information regarding AAA's work therefore may be relevant to, among others, Sentinel's Seventh, Ninth, and Tenth Affirmative Defenses.

On July 31, 2024, Sentinel served AAA with subpoenas for documents and a deposition. Ex. 1; Ex. 2; Ex. 3. AAA did not respond to the document subpoena within the noticed time. *See* Ex. 1. The date for the noticed deposition is in September. *See id.*

Sentinel's counsel called AAA on August 22, 2024 to inquire regarding the status of the response to the document subpoena. The person with whom Sentinel's counsel spoke said that they did not have any record of the subpoena and that no one other employees at the company had any

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knowledge of it, despite the fact that call lasted less than five minutes and Sentinel's counsel did not hear her ask around to her colleagues. Sentinel's counsel offered to send AAA a copy of the subpoena via email, but she refused to accept it. The person at AAA also said that Sentinel would have to wait until her boss returned from abroad to discuss the subpoena, but, when asked, she stated that she did not know when he would return.

Like Marin and 203 West, Sentinel appreciates that AAA is not a party to this case. However, AAA should have complied with the subpoena. Sentinel hopes that a Court Order will get AAA to respond. Sentinel therefore requests for a pre-motion conference so that the Court can issue an order compelling AAA to respond to the document subpoenas by September 5, 2024. Plaintiff does not object to this letter-motion. Sentinel does not know AAA's position other than what was stated above.

Thank you for your consideration of this request.

Respectfully,

/s/ Glenn Greenberg

Glenn Greenberg

CC: All Counsel of Record (via ECF)
AAA Total Plumbing, Inc. (via FedEx)